

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES GYPSUM COMPANY,

Plaintiff,

V.

3M INNOVATIVE PROPERTIES COMPANY  
and 3M COMPANY,

Defendants.

Civil Action No.: 07 cv 6381

Judge Darrah

Mag. Judge Keys

**MOTION TO DISMISS**

**MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(B)(3)**

Defendants 3M Innovative Properties Company and 3M Company (collectively “3M”) respectfully move this Court to dismiss the above captioned lawsuit for improper venue under Fed. R. Civ. P. 12(b)(3). In support of this motion, 3M relies on its concurrently submitted Memorandum of Law In Support Of Motion to Dismiss, the Affidavit of Sharon Grosh and the exhibits attached thereto, and the Declaration of Bruce D. Manning and the exhibits attached thereto. 3M requests oral argument be had on this motion.

Date: December 3, 2007

Respectfully submitted by:

KEEGAN, LATERZA.

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COMPANY AND 3M COMPANY**